

## Chapter 5

# Consultation and Coordination





# Introduction

---

This chapter includes a summary of efforts to involve federal, state, and local agencies, organizations, and the public, including local community members and adjacent landowners, in the planning process for the proposed project, beginning with public scoping in 2002.

## Project Planning and Scoping

### *Identification of Lead and Other Interested Agencies*

The Park Service purchased the Waldo Giacomini Ranch in 2000 for the purpose of conducting a wetland restoration project. The Park Service is the lead National Environmental Policy Act (NEPA) agency and principal project manager. The Gulf of the Farallones National Marine Sanctuary, whose jurisdiction includes Tomales Bay, actively participated in the negotiations with the California Department of Transportation (CalTrans) and the California Coastal Commission (CCC) that eventually led to the agreement for CalTrans to transfer mitigation obligations to the Park Service in exchange for providing monies for acquisition and restoration of the Giacomini Ranch. During the very early planning stages, the Park Service identified that any wetland restoration effort would affect lands below Ordinary Low Water in Lagunitas Creek, which are owned by the California State Lands Commission (CSLC) and which would trigger the need to conduct a joint federal/state planning process. The CSLC agreed to participate in the planning process as the lead agency for the concurrent state regulatory process under the California Environmental Quality Act (CEQA). Two of the alternatives include restoration in Olema Marsh, a 63-acre freshwater marsh and riparian area that is jointly owned by the Park Service and the non-profit organization, Audubon Canyon Ranch (ACR). Restoration would also require alteration to Levee Road and possibly Bear Valley Road and the White House Pool County park that is owned by the state of California Wildlife Conservation Board and leased by the County of Marin Parks and Open Space District. The Park Service has been working collaboratively with ACR, the County of Marin Public Works department, and the Open Space district, as well as the Gulf of the Farallones National Marine Sanctuary throughout the environmental planning process.

### *Public Scoping*

On September 23, 2002, a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and to conduct public scoping was published in the Federal Register (Volume 67, No. 184). This NOI announced the initiation of public scoping for the environmental impact analysis process for a proposed wetlands restoration project at the former Waldo Giacomini Ranch. On September 25, 2002, a copy of the NOI and scoping information was sent to 45 adjacent landowners to the project site and 163 persons and organizations on a public review request list maintained by the Seashore. On October 4, 2002, the NOI was distributed to the Governor's Office of Planning and Research State Clearinghouse for distribution to relevant state agencies (SCH# 2002114002). Following agreement by CSLC to act as the lead CEQA agency, a Notice of Preparation (NOP) for preparation of a joint EIS/Environmental Impact Report (EIS) was prepared by CSLC, the lead CEQA agency, and distributed to the State Clearinghouse, which circulated the NOP between May 29 and June 30, 2003. The public scoping period closed on June 30, 2003.

On October 2, 2002, a press release announcing public scoping was distributed to the Point Reyes Light, Marin Independent Journal, and Press Democrat, as well as 28 other media outlets, including newspapers, radio stations, and television stations. The press release noted that public scoping would occur as an agenda item at the Golden Gate National Recreation Area/Point Reyes National Seashore Advisory Commission meeting on October 19, 2002, at the Dance Palace in Point Reyes Station. The press release was also posted on the Seashore's website. A notice of the public scoping was printed in the Point Reyes Light newspaper on October 3, 2002.

The Park Service mailed 1,380 notices announcing the public Advisory Commission meeting on October 1, 2002, listing the Giacomini Wetlands Restoration Project as an agenda item for the October 19, 2002 meeting. The 45-day public scoping period closed November 8, 2002. Due to delays at the State Clearinghouse in



distributing the NOI, the scoping period for state agencies was extended to December 6, 2002.

Public comments were heard at a public information meeting at the Point Reyes Dance Palace at the October 19, 2002 Advisory Commission meeting at the Point Reyes Dance Palace where approximately 30 to 40 members of the public attended. The Point Reyes Light published an account of the meeting on October 24, 2002.

The public meeting featured a short overview of the planned restoration process, the environmental planning process, a brief history and summary of the project location, and potential benefits and impacts of restoration. At the end of the presentation, the meeting was opened for public comment, with nine (9) members of the public providing comments. The topics covered by the public comments included issues around public access, land use planning, hydrology, alternatives and project planning.

In addition to the public meeting, approximately 86 individuals or private organizations mailed, faxed, or emailed comments regarding the proposed project. Commenting organizations include the Environmental Action Committee of West Marin, Marin County Bicycle Coalition, Access4bikes, Manzanal Homeowners Association, and Audubon Canyon Ranch. The Seashore and CSLC received comments from seven (7) local, state, or federal agencies. Commenting agencies were the CCC; CalTrans; North Marin Water District (NMWD); Marin County Department of Parks, Open Space, and Cultural Services; Marin County Department of Public Works; and the State of California Department of Food and Agriculture and the County Supervisor for the Fourth District, Steve Kinsey. After scoping closed, a staff report was prepared summarizing comments received during initial scoping. A summary of these comments follows later in this section.

## ***Additional Information Gathering Efforts***

### ***Alternative Workshops***

Following scoping, the Park Service held a series of internal workshops designed to prioritize restoration objectives based on a number of factors, including mitigation requirements, project Purpose, project Goals, and concerns raised by the public and agencies during scoping. The Park Service project staff began working with its hydrologic consultants, KHE, to develop preliminary restoration concepts. After a series of internal meetings, the Park Service met with regulatory and local and state agencies on February 26, 2004, to present these preliminary concepts.

The Park Service also felt that it was very important to meet with landowners adjacent to the Project Area early in the restoration development process, particularly with regards to flooding concerns. The Park Service contacted landowners along Levee Road and the east side of Sir Francis Drake Boulevard in Inverness Park, which are areas that historically have had the most flooding concerns. Approximately 21 landowners and agency staff attended the workshop on March 30, 2004. Separate meetings were also held with agency representatives (described below) in February 2004 and local technical experts in the field of wetland restoration in September 2004. Following these meetings, the Park Service project staff also met with representatives of stakeholder groups from Marin County and interested agencies that requested meetings, including the Marin County Bicycle Coalition, Sierra Club - Marin chapter, Marin Conservation League, Sacramento office of the U.S. Fish and Wildlife Service Endangered Species section, North Marin Water District, and local technical experts in the field of wetland restoration.

The culmination of these meetings and consultations was a public meeting to present and receive feedback on conceptual alternatives. A public workshop held on June 22, 2004, at the Point Reyes National Seashore (Seashore) Red Barn at 6:00 p.m. The Park Service mailed 263 notices announcing the public workshop for the Giacomini Wetlands Restoration Project on May 12, 2004. The letter noted that the Seashore was holding a workshop to discuss and gather input on preliminary restoration and public access concepts that had been developed for the Giacomini Wetlands Restoration Project. On June 7, 2004, a press release announcing the public workshop was distributed to the Point Reyes Light, Marin Independent Journal, and Press Democrat, as well as 28 other media outlets, including newspapers, radio stations, and television stations. Meeting information was also posted on the Seashore's website. The local radio station, KWMR, broadcast information about the meeting during a noontime Park Wavelengths show on June 14, 2004. A notice of the workshop was printed in the Point Reyes Light newspaper on June 10, 2004.



The meeting was well attended with 114 people present. The Point Reyes Light published an account of the meeting on June 24, 2004. At the workshop, Park Service project staff and consultants presented the Project background, outlined the planning process to date, summarized initial scoping issues, and explained the preliminary restoration concepts. Information was also provided on habitats that might develop within the Project Area as a result of project implementation. These future restoration scenarios were based on the hydrodynamic modeling and analysis performed by KHE. After the presentation, the superintendent of the Seashore answered questions from the audience. The attendees, then, separated into four (4) breakout groups for more detailed discussion of the restoration concepts.

Following the meeting, the public had a 30-day period ending July 23, 2004, in which to submit comments to the Park Service on the restoration concepts and scope of the proposed DEIS/EIR. During this period, the Park Service received more than 100 letters or petitions, phone calls, and requests for meetings. The Park Service met with three groups of West Marin residents that specifically requested meetings because of concerns regarding land use issues, development, and character of the community or the potential for using the historic railroad grade for public access.

Approximately 58 individuals and 14 private organizations or agencies mailed, faxed, or emailed comments regarding the Giacomini Project by the July 23, 2004 close of the scoping period. Commenting organizations include the Rails to Trails Committee, Environmental Action Committee of West Marin, Marin County Bicycle Coalition, Audubon Canyon Ranch, Sierra Club, Audubon Society, Marin Conservation League, Tomales Bay Association, Inverness Yacht Club, Point Reyes Village Association, and County of Marin Public Works. The Park Service also received two petitions with a total of approximately 450 signatures.

A Park Service staff report consolidated the scoping comments under five (5) major issue headings - Purpose and Objectives, Planning, Restoration Design and Concerns, Public Access, and Miscellaneous. As with the initial comment, most of the comments received during the public workshop and the subsequent scoping period concerned public access, ranging from letters and petitions advocating no public access at all to letters and petitions urging that the Park Service strongly consider a path along the historic railroad grade near the Point Reyes Mesa, in addition to a path between Point Reyes Station and Inverness Park. Issues are summarized in a separate section below.

### *Public Access Workshops*

In response to the considerable public scrutiny of the public access portion of the Project, the Park Service decided to contract for some further technical evaluation of public access. The first study evaluated potential hydrologic, biological, and cultural resource impacts associated with multiple potential public access alignments and infrastructure locations and was prepared by the hydrologic consultant, Kamman Hydrology & Engineering (San Rafael, California) with technical assistance from its biological consultant subcontractor, LSA Associates (Richmond, California), and the Park Service. The second study specifically focused on technical feasibility, land use impacts, and costs of those public access alignments evaluated under Phase I that had only low or moderate environmental and cultural resource impacts and was prepared by LandPeople Landscape Architects (Benicia, California).

Because this study focused on the potential for impacts to adjacent landowners from some of the public access alignments under study, several meetings were conducted with adjacent residents during preparation of this document to better define potential technical feasibility and land use issues. Meetings were held on March 3, 2005, with residents along Sir Francis Drake Boulevard; March 22, 2005, with residents on Levee Road and separately with residents near 3rd and C Street in Point Reyes Station; and on March 23, 2005, with residents near the historic railroad grade on the Point Reyes Mesa. In addition, a meeting for the general public was held on April 11, 2005, at the Red Barn at the Seashore. At this meeting, the consultants, LandPeople, discussed the potential trail alignments and some of the preliminary findings regarding technical feasibility and land uses. Approximately 40-50 people attended this meeting.

Most of the comments voiced at these meetings echoed those of the public scoping meeting, alternative workshops, and comment letters and emails, focusing on concerns regarding the appropriateness and scale of public access and the inclusion of particular trail alignments. Some adjacent landowners did express concerns regarding the potential impacts to residents of either maintaining an existing trail alignment or constructing a new one from noise, trash, traffic and parking, and potential loitering of undesirable elements. These comments are summarized in the section below.



## *Value Analysis*

In 2005, information from these studies, along with input from public scoping and the workshops in 2004, were used by Park Service and CSLC staff and project partners to refine preliminary restoration alternatives and develop a framework for the public access component in 2005. Following conceptual approval by the Park Service's Development Advisory Board, received in June 2005, the Park Service held a Value Analysis process in August 2005, which enabled the Seashore and CSLC to determine whether it had developed a reasonable range of alternatives that meet the Park Service mission, as well as the Project's Purpose, Goals, and Objectives. Value Analysis attendees included a broad range of technical experts from both within the Seashore and the GGNRA, as well as from other parks and agencies, including CSLC, Marin County Department of Public Works, and the Gulf of the Farallones National Marine Sanctuary. Comments during the Value Analysis process were again used to further refine alternatives for presentation to the Park Service's Development Advisory Board for pre-design approval in November 2005.

## *Agency Involvement and Scoping*

### *Scoping*

Agency scoping was conducted throughout the project planning process to ensure that agencies became familiar with the proposed project and thereby ensure that the Seashore and CSLC had ample opportunities to learn of any relevant issues or concerns early in the planning process when information could be easily incorporated into information gathering efforts or the alternative development process. For this reason, the Park Service and CSLC made several efforts to meet with agencies for the purpose of disseminating and gathering information.

Regulatory scoping meetings were conducted on November 6, 2002 and November 8, 2002. Attending these meetings, in addition to Park Service staff and technical consultants, were representatives from:

- Regional Water Quality Control Board
- US Army Corps of Engineers
- National Marine Fisheries Service
- California Department of Transportation
- North Marin Water District
- California Department of Fish and Game
- Marin County Department of Public Works
- Marin County Parks and Open Space
- Marin County Parks
- U.S. Geological Survey- Biological Resources Division
- US Fish and Wildlife Service
- Gulf of the Farallones National Marine Sanctuary
- California Coastal Commission

### *Additional Information Gathering Efforts*

On February 26, 2004, the Park Service and CSLC convened a second regulatory scoping meeting to provide information and feedback on the conceptual alternatives. Representatives from regulatory and public agencies at this meeting, in addition to Park Service staff and technical consultants, included:

- Regional Water Quality Control Board
- Marin County Parks
- North Marin Water District
- Marin Resource Conservation District
- US Army Corps of Engineers
- Marin County Department of Public Works
- California Department of Transportation



In addition, separate meetings were held on April 21, 2004, with the USFWS representatives in Sacramento and on-site with the Regional Water Quality Control Board on May 5, 2004. On February 3, 2006, Park Service staff met again with USFWS representatives, but this time, the meeting was conducted on-site at the Project Area.

Since 2002, the Park Service has also conducted a number of meetings with NMWD representatives to discuss the issue of salinity intrusion into the groundwater system that provides water for the local community and implementation of some collaborative monitoring efforts. Several meetings occurred after the public alternatives workshops in 2004, and at least four meetings took place between September-October 2005 with another one in June 2006. Most of these meetings involved presentation of preliminary hydrologic investigation and hydrodynamic modeling results, followed by discussion of relevant issues and outstanding information needs.

### ***Summary of Public and Agency Comments***

Listed below are some of the major issues and concerns raised during public scoping and informal public comment.

**Project Purpose and Goals-Restoration and Public Access.** One issue generated the greatest number of comments during both public scoping and the alternatives workshop - public access and its compatibility with restoration. Comments were almost equally split between those that favored making public access a high priority and those that urged the Park Service and CSLC to emphasize hydrologic integrity and habitat values of the wetland restoration project over public access. Specifically, the viewpoints raised were:

- There should be no public access, only restoration: public access is incompatible with restoration and would take funds away from the restoration effort.
- While access can be an opportunity to learn about restoration, restoration should take priority over public access, and access should only be incorporated if opportunities do not conflict with restoration goals.
- Community needs for improved access between towns and increased public safety are equally as important as, or even more important, than restoration. Humans are as much a part of the environment as wildlife, and getting people out of cars and out walking or on bikes will improve the environment.
- There needs to be a balance between community needs and the goals of the restoration project.
- Public access has not been adequately considered or incorporated into the project.

**Other Issues.** Listed below are other issues raised during scoping:

- Project Scope-Olema Marsh. Olema Marsh should be incorporated into the restoration project.
- Project Design/Restoration-Excavation. The amount of excavation should be kept to the minimum necessary to effect restoration.
- Project Design/Public Access-Southern Perimeter. Need exists for a pedestrian/bike path between Inverness Park and Point Reyes Station to improve traffic safety, expand trail network, and/or provide more direct access between the two towns.
- Project Design/Public Access-Eastern Perimeter. Need exists for a pedestrian, equestrian, and/or bike path on the historic railroad grade on the eastern perimeter of the East Pasture to provide a connection between Point Reyes Station and the existing Tomales Bay Trail on GGNRA lands near State Route 1.
- Project Design/Public Access-Compatibility with Restoration. Any public access provided should be compatible with restoration and should emphasize less intrusive opportunities for public access such as spur trails and viewing areas and overlooks and hikers rather than horses, dogs, and bikes.
- Hydrologic Impacts-Flooding. Alternatives should not increase flooding of roads and homes on the project perimeter.
- Hydrologic Impacts-Saltwater Intrusion into Groundwater Wells. Alternatives should not increase





saltwater intrusion into the local groundwater wells operated by NMWD for the town of Point Reyes Station.

- Hydrologic Impacts-Water Quality. Concern expressed about effect of project on water quality in Tomales Bay through increased sedimentation and release of nutrients from undiked pastures.
- Biological Resources Impacts-Wildlife and Plants. Project will need to address how the project will affect existing biological resources in the Project Area, such as the California red-legged frog, tidewater goby, and coho and steelhead salmon, as well as wetland, riparian, and upland ecotone habitats.
- Land Use Impacts-Adjacent Landowners and Local Community. Project will need to take into consideration impacts on adjacent landowners and the character of the local community, including potential increases in traffic, noise, and parking problems.
- Land Use Impacts-Local Agriculture. The direct and cumulative impacts of the project on agriculture should be evaluated, including the impact of land conversion.
- Public Health and Safety Impacts-Mosquitoes. Project will need to address how restoration would affect existing mosquito populations.

## Compliance Status

### Federal Regulations

Documentation of Park Service compliance with federal and state laws and regulations is incorporated into the text of the EIS. Compliance with relevant federal environmental and cultural resource protection laws, regulations and executive orders, is summarized here.

#### **National Environmental Policy Act (NEPA) of 1970. PL 91-190, 83 Stat. 852, 42 USC §4341 et seq.**

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and take actions that protect, restore, and enhance the environment. Regulations implementing NEPA are set forth by the Council on Environmental Quality (CEQ). Additional regulations are provided by the Park Service, including Park Service Director's Order #12, which ensures that the document meets Department of Interior and Park Service standards. The Park Service is the lead NEPA agency and the primary project proponent and manager.

**Federal Water Pollution Control Act (Clean Water Act) and subsequent amendments of 1977 (33 USC §1251 et seq.).** The Clean Water Act provides for the restoration and maintenance of the physical, chemical, and biological integrity of the nation's waters. Section 404 (33 U.S.C. 1344) of the Act prohibits the discharge of fill material into navigable waters, tributaries to navigable waters, and special aquatic sites of the United States, including wetlands, except as permitted under separate regulations by the U.S. Army Corps of Engineers (the Corps) and U.S. Environmental Protection Agency. Under Section 401 (33 U.S.C. 1341), states and tribes can assume responsibility for Section 401 oversight and can review and approve, condition, or deny all Federal permits or licenses that might result in a discharge to state or tribal waters, including wetlands. This project would potentially involve removal or breaching of levees on creeks, realignment of creeks, and excavation and/or permanent or temporary fill in special aquatic sites such as wetlands. It also has the potential to affect water quality within the Project and in downstream water bodies. Because of this, the project will require Section 404 permits from the Corps and Section 401 certification from the San Francisco Regional Water Quality Control Board. Applications for Section 404 permits and Section 401 certifications would be submitted concurrent with release of the environmental document.

**Coastal Zone Management Act of 1972, as amended through PL 104-150, The Coastal Zone Protection Act of 1996 (16 U.S.C. §1451 et seq.).** This act protects coastal environments and transfers regulatory authority to the states and excludes federal installations from the definition of "coastal zone." Within California, the California Coastal Commission (CCC) administers the state program (California Coastal Act) for implementation of the federal Coastal Zone Management Act (CZMA). Any action by a federal agency such as the Park Service requires a federal consistency determination by the CCC as required by CZMA. The CCC manages fill, dredge, and other non-point activities affecting wetlands within the Coastal Zone. In





California, the Coastal Zone is broken into Local Coastal Program (LCP) units that specifically oversee land use and management of resources within their jurisdiction (see section "State and Local Legislation, Policies, and Plans"). This project falls within the Coastal Zone and has wetlands and riparian areas that would be subject to oversight under the Coastal Act and the LCP. The Park Service would make a determination regarding consistency and submit to the CCC for concurrence in conjunction with release of the environmental document.

**Endangered Species Act of 1973, as amended, PL 93-205, 87 Stat. 884, 16 USC §1531 et seq.** The Endangered Species Act protects threatened and endangered species from unauthorized "take", and directs federal agencies to ensure that their actions do not jeopardize the continued existence of listed species. Section 7 of the act defines federal agency responsibilities for consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) for fish and marine mammal species. Consultation requires preparation of a Biological Assessment to identify threatened or endangered species that are likely to be affected by the proposed action. Presence of these species or their habitat affects projects on several levels, specifically proponents:

- Must avoid harming listed species either through "take" or through harassment, unless incidental take authorized by USFWS;
- Must avoid impacts to habitat deemed as "Critical" to species or must mitigate for impacts to habitat; and
- Must avoid undertaking construction and/or maintain a construction buffer during critical seasons such as breeding and nesting when listed species are present.

Several federally threatened or endangered species, as well as Critical Habitat, have been documented in the Project Area. The Park Service and CSLC will be initiating formal consultation with the USFWS and NMFS concurrent with release of the environmental document.

**Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §703-712).** The Migratory Bird Treaty Act decreed that all migratory birds and their parts (including eggs, nests, and feathers) were fully protected. The MBTA protects all common wild birds found in the United States, except the house sparrow (*Passer domesticus*), European starling (*Sternus vulgaris*), feral pigeon (*Columbia livia*) and resident game birds such as pheasant, grouse, quail, and wild turkeys (*Meleagris gallopavo*). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 Code of Federal Regulations (C.F.R.) Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). "Taking" is considered disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young). Both special status and common bird species breed and nest in or on the perimeter of the Project Area. Construction would need to be phased to avoid breeding and nesting season, and/or pre-construction bird surveys would need to be conducted.

**Magnuson-Stevens Fishery and Conservation Management Act, as amended (PL 94-265, 16 U.S.C. §1801).** The Magnuson-Stevens Fishery Conservation and Management Act is the governing authority for all fishery management activities that occur in federal waters within the United States 200 nautical mile limit, or Exclusive Economic Zone (EEZ). One of the potentially applicable components of this act is that it requires conservation and enhancement of Essential Fish Habitat (EFH). Defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity," the designation and conservation of Essential Fish Habitat seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities such as dredging and filling. Species that are regulated under EFH include Chinook and coho salmon, both of which have been sighted in Lagunitas Creek, which runs through the center of the Project Area (Figure 2). EFH consultation would be conducted with NMFS.

**Federal Access Legislation.** Both the Architectural Barriers Act of 1968 (PL 90-480) and the Americans with Disabilities Act (ADA) of 1990 (PL 101-336) help to ensure that buildings and other facilities meet set standards to make them accessible to all visitors, including those with disabilities. The Park Service complies with ADA standards and, in order to provide the maximum opportunity for visitors to experience national parks, follows the stricter of either the Americans with Disabilities Act Accessibility Guidelines (ADAAG; 36 CFR part 1191) developed in 1991 or the Uniform Federal Accessibility Standards (UFAS) established in 1984. Based on these guidances, the Park Service requires that walks or paths that connect to accessible features and that key features in the park need to be made accessible while being kept consistent with preserving the natural and cultural resources of the park. Public access is proposed as part of this project and is subject to these standards. This project could involve construction of trails on state and county lands and so require



compliance with the more stringent handicap access standards of the California Building Code, Title 24 regulations, although the Title 24 standards are intended for urban facilities and not necessarily rural and park-type trails.

### ***State and Local Legislation, Policies, and Plans***

Federal projects are not subject to state and local legislation, unless state and local authorities have assumed authority for a federal law (i.e., Section 401 of the Clean Water Act, the Coastal Zone Management Act). However, as this is a joint federal and state project, it must comply with all applicable state and local legislation on state- and county-owned lands. The following authorities apply on lands owned and managed by the California State Land Commission, the County of Marin, and the Audubon Canyon Ranch

**California Environmental Quality Act (Public Resources Code §21000 et seq.).** The California Environmental Quality Act (CEQA) is the State equivalent of NEPA that applies to projects undertaken or requiring approval from state and local governments. While many aspects of CEQA are similar to NEPA, there are some differences, including in terminology, structure of the environment document required, noticing, evaluation and analysis of alternatives, and requirements regarding mitigation for significant environmental effects. In addition, CEQA provides that all species of concern (e.g., any species considered at-risk by the California Native Plant Society) be considered as protected, regardless of appearance on a formal federal or state Endangered Species Act ESA lists (Guidelines, Section 15380 (b)(d)). The lead CEQA agency for this project is the CSLC.

**Porter-Cologne Act (California Water Code, Division 7, §13000).** The Porter-Cologne Act is the principal law governing water quality control in California. It establishes a comprehensive program to protect water quality and the beneficial uses of waters of the State. The Porter-Cologne Act applies broadly to all State waters, including surface waters, wetlands, and ground water; it covers waste discharges to land as well as to surface and groundwater, and applies to both point and non-point sources of pollution. The Regional Water Quality Control Boards (RWQCB), which also administers Section 401 of the federal Clean Water Act, govern the nine hydrologic regions into which California is divided, adopting regional water quality control plans (basin plans) for their respective regions. Water quality control plans designate beneficial uses of water, establish water quality objectives to protect those uses, and provide a program to implement the objectives. This project has the potential to affect surface waters and could therefore require certification from the San Francisco RWQCB under Section 401 for all waters owned by federal agencies and under Section 401 and Porter-Cologne Act for all state, county, and private waters. In addition, the San Francisco RWQCB has established beneficial uses and associated water quality criteria for Tomales Bay and Lagunitas Creek, which runs through the Project Area.

**Lake and Streambed Alteration Agreement (Fish and Game Code, §1600 et seq.).** The California Department of Fish and Game (CDFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. Any person, state or local governmental agency, or public utility to notify CDFG before beginning an activity that will substantially modify a river, stream, or lake. CDFG has historically had a more limited jurisdiction than the Corps, focusing specifically on lakes, major tidal sloughs, rivers, and streams, where streams are defined as "...a body of water that flows at least periodically or intermittently through a bed or channel having banks...." CDFG also typically includes riparian areas adjacent to rivers and streams within its jurisdiction. If CDFG determines that the activity could substantially adversely affect an existing fish and wildlife resource, a Lake or Streambed Alteration Agreement is required. Because this project may affect creeks and riparian areas adjacent to creeks, a Streambed Alteration Agreement could be required for creeks on state, county, and private lands. If so, an application would be filed subsequent to preparation of the environmental document.

**California Endangered Species Act (Fish and Game Code, § 2050 et seq.).** Similar to the federal government and the Endangered Species Act, the state of California has designated certain wildlife and plant species as endangered, threatened, or rare. Regulation of activities affecting these species is handled by the California Department of Fish and Game (CDFG). Sections of the Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species; the take, possession, or destruction of birds, their nests or eggs; and/or disturbance that causes nest abandonment and/or loss of reproductive effort. Both federally and state-listed endangered and threatened species occur in the Project Area and vicinity. Project proponents will consult with CDFG and, if necessary, initiate a permitting



process subsequent to preparation of the environmental document. Construction would also be phased to avoid breeding and nesting season, and/or pre-construction surveys would be conducted.

**Marin County Local Coastal Program, Unit II (LCP).** In 1976, the California Legislature enacted the Coastal Act, which created a mandate for coastal counties to manage the conservation and development of coastal resources through a comprehensive planning and regulatory program called the Local Coastal Program (LCP). The LCP is a planning document that identifies the location, type, densities, and other ground rules for future development in the coastal zone. Each LCP includes a land use plan and its implementing measures. These programs govern decisions that determine the short and long term conservation and use of coastal resources. LCPs are updated regularly: The Marin County Community Development Agency was planning to update the LCP as part of the updated CWP process, but has postponed the LCP update. There are at least two areas in which LCP policies supersede those of Marin County ordinances in the Coastal Zone:

- **Grading.** The County's Excavating, Grading, and Filling Ordinance states that any grading in the coastal zone may be subject to a coastal development permit (23.09.012). Grading and clearing which results in movement of more than 150 cubic yards of soil must minimize the amount of exposed soil and be avoided in the winter. Depending on the alternative selected, this project would involve small to substantial amounts of grading.
- **Stream Buffer Areas.** Buffers in the coastal zone are defined to include all riparian vegetation on both sides of the stream or 100 feet from the stream bank. No development or vegetation removal is permitted within this buffer unless no alternative sites are feasible. Mitigation measures to control erosion and runoff and revegetation of disturbed areas are to be included. The project could involve work in stream buffer areas.

The Park Service has determined that the project is within the Local Coastal Planning area, Unit II, and that it would require federal consistency review by the California Coastal Commission (See Coastal Zone Management Act under Federal Environmental Legislation).

**Point Reyes Village Station Community Plan (2000).** As discussed earlier, the state requires each local planning agency such as the County of Marin to adopt a comprehensive, long-term plan for physical development of the region over which it has jurisdiction. The County of Marin is currently in the process of updating the Marin Countywide Plan (CWP). Local planning agencies can decide to create separate community plans for individual communities within the general plan boundaries. In these areas, future planning decisions are based on both the general plan and the community-specific plan. The Point Reyes Station Community Plan was first developed in 1976 to provide guidance on current and foreseeable planning and land use issues based on community goals, objectives, and policies. It has been amended twice since then, in 1986 and 2000. The current revised plan establishes objectives and policies and programs for supporting or implementing objectives on a number of land use, socioeconomic, and natural resource issues. Several of the natural resource objectives specifically pertain to the Giacomini project, specifically:

- Support for restoration of the former tidal marshes at the headwaters of Tomales Bay to natural conditions and protection of the restored wetland in the future through review of development projects or construction activities and incorporation of either impact avoidance or mitigation measures;
- Preservation of the physical, ecological, and visual integrity of the bluff area located above the old railroad right-of-way through the development review process establishment of a 100-foot buffer extended eastward from the eastern edge of the railroad grade;
- Preservation of streams and streamside environments in their natural conditions, including protection of existing riparian habitat or "buffers" and removal of invasive plant species;
- Protection and restoration of Tomasini Creek through allowing the downstream portion to resume its natural slough channel west of Mesa Road, thereby promoting recolonization by steelhead; and
- Protection of Lagunitas Creek, specifically its water quality, coho salmon and steelhead populations, and other aquatic life.

**County of Marin Ordinances and Codes.** The County regulates activities by state and local agencies through ordinances, codes, and other measures. Some of the potentially applicable ordinances or measures are Zoning (Marin County Code Title 22), Grading and Excavating (19.06 and 23.08), Bank Stabilization, and Urban Runoff and Pollution Prevention (23.18.084).



## List of Preparers

Between April 2001 and July 2006, an interdisciplinary team of Seashore and GGNRA, and CSLC biologists, administrators, and specialists met 10 times and supervised the planning process and preparation of the DEIS/EIR. In addition, personnel from Park Service Pacific West Regional office were instrumental in providing guidance.

Primary author of the DEIS/EIR was:

**Lorraine Parsons**, Project Manager, Giacomini Wetland Restoration Project; Wetland Ecologist, Point Reyes National Seashore, MS San Diego State University, BA University of Southern California, BS University of Southern California.

Primary contributing author was:

**Brannon Ketcham**, Hydrologist, Point Reyes National Seashore; MEM, Water Resources Management, Duke University; BA, Geology, Pomona College.

Other contributing authors were:

**Marie Denn**, PWR Aquatic Ecologist; MS Environmental Science and Management, University of California Santa Barbara; BS, Zoology, University of California Davis

**Amelia Ryan**, Bioscience Technician, Wetlands; Seashore; BS, Plant Biology, University of California, Davis.

Geographic Information Systems (GIS) analysis and graphics were prepared by:

**Donald Brown**, GIS Technician; Seashore; BA, Computer Information Systems, University of Iowa.

**Amelia Ryan**, Bioscience Technician, Wetlands; Seashore.

Copy editing and formatting of this document was conducted by:

**Juanita Barboa**, Technical Editor, The Final Word, Colorado. BS, Technical Communication, New Mexico Institute of Mining and Technology.

Park Service and CSLC representatives and other people who assisted in preparing or reviewing this document were:

**Heidi West**, Environmental Planner, TQNEPA, Colorado. PhD, Environmental Science and Engineering, University of California, Los Angeles; MS, Ecology, California State University Los Angeles; MA, Science Communications, University of California, Santa Cruz; BA, Biology, University of California, Los Angeles.

**Eric Gillies**, Staff Environmental Scientist, CSLC; MS Environmental Studies, San Jose State University, BA Environmental Studies, California State University, Hayward.

**John Kelly**, Research Director, Audubon Canyon Ranch. Cypress Grove Preserve. PhD, Ecology, University of California, Davis; MS, Wildlife, Humboldt State University.

**Greg Kamman**, Certified Hydrogeologist, Professional Geologist, Kamman Hydrology & Engineering, Inc.; MS Geology - Sedimentology and Hydrogeology, Miami University, Oxford, Ohio, AB Geology, Miami University.

**Rachel Kamman**, Hydrologist, Registered Civil Engineer, Kamman Hydrology & Engineering, Inc. M. Eng., Civil (Coastal and Hydraulic) Engineering University of California, Berkeley; BA, Civil Engineering (Hydraulics and Water Resources) Lafayette College, Easton, PA.

**Ed Ueber**, former Refuge Manager, Gulf of the Farallones National Marine Sanctuary. MS, Resource



Economics/Fisheries, University of Rhode Island; Post Graduate Certificate, U.S. Maritime History, Munson Institute of Maritime; BA, History, University of Connecticut.

**John Dell'Osso**, Chief of Interpretation, PRNS; BS, Environmental Planning and Management, University of California, Davis.

**Jules Evens**, Wildlife Biologist, Avocet Research Associates, MA, Writing, University of San Francisco; BA, Biology, Sonoma State University.

**Gary Fellers**, Research Biologist, Western Ecological Research Center, US Geological Survey; PhD, University of Maryland; MS, University of Maryland; BA, University of California, Berkeley.

**Tom Filler**, Staff Environmental Scientist, CSLC: BS, Environmental Policy Analysis and Planning, University of California, Davis.

**Darren Fong**, Aquatic Ecologist, GGNRA; BS, Environmental Science, University of California, Berkeley, MS, Wildland Resource Science, University of California, Berkeley.

**Natalie Gates**, Wildlife Biologist, PRNS; MS, Environmental Science and Policy, University of California; DVM, New York State College of Veterinary Medicine (Cornell); BA, Biology, Harvard University.

**Richard Grasseti**, Principal, GECO Consulting; MA Geography, University of Oregon, BA, Physical Geography, University of California, Berkeley.

**Steve Griswold**, Trail Planner, Golden Gate National Recreation Area.

**Daphne Hatch**, Chief of Natural Resource Management and Science, GGNRA; MS Range Management, University of California, Berkeley, CA.

**Shawn Maloney**, Trails Division, Point Reyes National Seashore.

**Bill Merkle**, Wildlife Ecologist, GGNRA; PhD, Department of Environmental, Population, and Organismic Biology, University of Colorado, Boulder; BA, Stanford University.

**Doug Nadeau**, Former Chief of Natural Resources. Golden Gate National Recreation Area. Licensed Landscape Architect; BA, Landscape Architecture; University of California at Berkeley.

**Don Neubacher**, Superintendent, PRNS; MS Resource Management, Humboldt State University; BS, Environmental Planning, University of California, Davis.

**Tom Packard**, ASLA, Principal, Tom Packard & Associates: BA Landscape Architecture, University of Illinois at Urbana-Champaign.

**Jane Rodgers**, Plant Ecologist, PRNS; BS, Forestry, University of California, Berkeley.

**Mark Rudo**, PWR Cultural Resources Specialist, Archaeology; MA Anthropology -Archeology, San Francisco State University, BA Anthropology, San Francisco State University.

**William Shook**, PRNS; BS, Secondary Education, Pennsylvania State University.

**Kristen Ward**, Wetland Ecologist, Crissy Field Marsh, Golden Gate National Recreation Area. M.S. San Diego State University. Wetland Ecology.

**Gordon White**, Chief of Cultural Resources, Seashore; MA, Architecture, University of California, Berkeley; BA, Environmental Design, University of California, Berkeley.

**Tamara Williams**, Hydrologist, GGNRA. BS, Geology, University of California, Davis.



## List of Agencies and Organizations to Whom Notices of the Environmental Impact Statement/Environmental Impact Report are Being Sent

### ***Federal Agencies***

U. S. Army Corps of Engineers  
U. S. Coast Guard  
U. S. Department of Commerce, National Oceanic and Atmospheric Administration –  
National Marine Fisheries Service

Gulf of the Farallones National Marine Sanctuary  
U. S. Environmental Protection Agency  
U. S. Geological Service  
U. S. Fish and Wildlife Service  
U. S. Natural Resources Conservation Service

### ***Federal Advisory Groups***

Advisory Council for Historic Preservation

### ***Elected Officials***

California State Assemblyperson Joe Nation  
California State Senator John Burton  
Marin County Supervisor Steve Kinsey

U. S. Representative Lynn Woolsey  
U. S. Senator Barbara Boxer  
U. S. Senator Dianne Feinstein

### ***State Agencies***

State Clearinghouse

Bodega Marine Lab  
California Coastal Commission  
San Francisco Regional Water Quality Control Board

State of California Department of Fish and Game  
State of California Department of Transportation  
State of California Office of Planning and Research  
State Historic Preservation Office  
State Native American Heritage Commission

### ***Regional, County, and Municipal Agencies***

Bolinas Fire Department  
Bolinas Community Public Utility District  
Inverness Fire Department  
Marin County Department of Public Works

Marin County Open Space  
Marin County Resource Conservation District  
Marin Municipal Water District  
North Marin Water District

### ***Non-Governmental Organizations, Non-Profit Organizations, etc.***

Audubon Canyon Ranch & Cypress Grove Preserve  
Audubon Society, Marin Chapter  
Bay Area Ridge Trail Council  
Bay Institute  
Bicycle Trails Council  
Bolinas Community Parks Planning  
California Native Plant Society  
Coastwalk  
Committee for the Preservation of Tule Elk  
Defenders of Wildlife  
East Shore Planning Group  
Environmental Action Committee of West Marin  
Environmental Forum of Marin

Federated Indians of Graton Rancheria  
Friends of the Estero  
Gardener's Guild  
Inverness Association  
Inverness Ridge Association  
Marin Agricultural Land Trust  
Marin Audubon Society  
Marin Conservation League  
Marin County Farm Bureau  
Marin Horse Council  
National Parks and Conservation Association  
North American Trail Ride Conference  
Planning and Conservation League



Point Reyes Bird Observatory  
Point Reyes Light  
Point Reyes Seashore Rancher's Association  
Point Reyes Village Association  
Preserve Historic Olema Valley  
Sierra Club, Marin Group  
Sonoma Horse Council  
Sonoma County Farm Bureau  
Sustainable Conservation

Tomales Bay Advisory Committee  
Tomales Bay Watershed Council  
Trout Unlimited  
Trust for Public Lands  
Vedanta Society  
West Marin Chamber of Commerce  
West Marin Community Radio  
West Marin Paths  
Wilderness Society

### ***Libraries***

Bolinas Library  
Inverness Library  
Marin County Library

Point Reyes Library  
Stinson Beach Library  
San Rafael Library

The environmental compliance document will be placed on the Point Reyes National Seashore website at [www.nps.gov/pore/parkmgmt/planning](http://www.nps.gov/pore/parkmgmt/planning). A notice will be mailed to all individuals that have indicated interest in Seashore planning and management activities.





Intentionally Left Blank

